

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re: ANTHONY S. BRUTTANITI, Debtor, SPECIALIZED LOAN SERVICING, LLC, AS SERVICING AGENT FOR CREDIT SUISSE FIRST BOSTON MORTGAGE SECURITIES CORP., HOME EQUITY ASSET TRUST 2006-3, HOME EQUITY PASS-THROUGH CERTIFICATES, SERIES 2006-3, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, Movant, ANTHONY S. BRUTTANITI and WILLIAM C. MILLER, Trustee, Respondents.	Bankruptcy No. 19-17707-mdc Chapter 13 Document No.
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Specialized Loan Servicing, LLC, as Servicing Agent for Credit Suisse First Boston Mortgage Securities Corp., Home Equity Asset Trust 2006-3, Home Equity Pass-Through Certificates, Series 2006-3, U.S. Bank National Association, as Trustee (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Motion for Relief from the Automatic Stay (the “Motion”), represents as follows:

The Parties

1. Respondents, Anthony S. Bruttaniti and (“Debtor”), is an adult individual with a place of residence located at 1432 S. Broad St., Philadelphia, PA 19146.
2. William C. Miller, is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

Jurisdiction and Venue

3. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

Factual Background

4. On or about December 10, 2019, Debtor filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code.

5. Movant holds a first mortgage (the "Mortgage") on Debtor's real property located at 1432 S. Broad St., Philadelphia, PA 19146 ("Property"), recorded in the Office of the Commissioner of Records, City of Philadelphia, to secure a Note (the "Note") with a principal balance of \$240,000.00. True and correct copies of the Mortgage, Assignment of Mortgage, Note, and Loan Modification are attached hereto as Exhibits A, B, C, and D, respectively.

6. The outstanding balance owed to the Movant on the above referenced Note is \$249,412.98, which includes: \$12,425.85 in interest, \$1,158.49 in deferred principal, \$3,744.13 in escrow advances, \$1,251.60 in legal fees and (\$298.22) less in suspense or partial balance paid.

7. Pursuant to the Note, mortgage payments are due on the 1st day of each month. The monthly mortgage payment is \$1,403.36.

8. Debtor has estimated the value of the Property as \$506,361.60 on Schedule D of his Voluntary Petition. Therefore, there is equity in the Property. *See*, Voluntary Petition, Section D.

9. Debtor's Chapter 13 Plan requires Debtor to make monthly Mortgage payments to the Movant outside of the Plan.

10. Debtor has failed to make post-petition mortgage payments due to the Movant. Debtor is currently four post-petition payments in arrears and is due for the January 01, 2020 post-petition payment.

11. Specialized Loan Servicing, LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant or Movant's successor or assignee. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed. Movant is the original mortgagee or beneficiary or the assignee of the Mortgage/Deed of Trust.

12. Therefore, Movant is entitled to relief from the automatic stay for cause, including the lack of adequate protection, because Debtor has failed to make post-petition Mortgage payments to Specialized Loan Servicing, LLC, as Servicing Agent for Credit Suisse First Boston Mortgage Securities Corp., Home Equity Asset Trust 2006-3, Home Equity Pass-Through Certificates, Series 2006-3, U.S. Bank National Association, as Trustee. 11 U.S.C. §362(d)(1).

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WHEREFORE, Movant, Specialized Loan Servicing, LLC, as Servicing Agent for Credit Suisse First Boston Mortgage Securities Corp., Home Equity Asset Trust 2006-3, Home Equity Pass-Through Certificates, Series 2006-3, U.S. Bank National Association, as Trustee, respectfully requests that this Honorable Court enter an Order granting Specialized Loan Servicing, LLC, as Servicing Agent for Credit Suisse First Boston Mortgage Securities Corp., Home Equity Asset Trust 2006-3, Home Equity Pass-Through Certificates, Series 2006-3, U.S. Bank National Association, as Trustee, relief from the automatic stay with regard to the real property located at 1532 S.Broad St., Philadelphia, PA 19146.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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Dated: May 5, 2020